

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER LOUIS BENDING,

Defendant.

CV 18-04-M-DLC

ORDER

Before the Court is the Government's Motion to Dismiss Count V of the Indictment with prejudice. (Doc. 55.) The Government explained that a key witness necessary to establish Count V was subpoenaed, but did not appear in court. For this reason, the Government requests the Court dismiss the charge and offer a cautionary instruction to the jury. The Defendant, Christopher Bending, does not object. Accordingly,

IT IS ORDERED that the Government's Motion (Doc. 55) is GRANTED. Count V of the Indictment is DISMISSED WITH PREJUDICE. The Court will offer a cautionary instruction to the jury regarding Count V's dismissal.

DATED this 26<sup>th</sup> day of June, 2018.

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

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Dana L. Christensen, Chief Judge  
United States District Court